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ARGENTINA PROJECT (S200000044)  
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Margaret P. Grafeld, Director  
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JINCSO FOR INTAFF

JINCLANT ALSO FOR POLAD

E.O. 12356: DECL:OADR  
TAGS: SHUM, PGOV, AR  
SUBJECT: HUMAN RIGHTS DEVELOPMENTS IN ARGENTINA

REFS: (A) BUENOS AIRES 5385, (B) BUENOS AIRES 5073,  
(C) BUENOS AIRES 4486

.. (U) SUMMARY: THE NATIONAL COMMISSION ON THE  
DISAPPEARANCE OF PERSONS PLANS TO GIVE ITS REPORT TO  
PRESIDENT ALFONSIN ON AUGUST 30. THE 40,000-PAGE  
REPORT CONTAINS DETAILED EXPLANATIONS ABOUT WHAT  
HAPPENED DURING THE SO-CALLED "DIRTY WAR" AGAINST  
[REDACTED]  
[REDACTED]

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UBVERSION. A 300-PAGE BOOK, SUMMARIZING THE REPORT,  
WHICH WILL INCLUDE RECOMMENDATIONS ON HOW TO PREVENT A

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RECURRENCE OF THE REPRESSION, WILL ALSO BE GIVEN TO THE PRESIDENT. IF HE AGREES, THIS REPORT WILL BE PUBLISHED AND COPIES WILL BE GIVEN TO THE LEGISLATIVE AND JUDICIAL BRANCHES. CONGRESS WILL STUDY THE REPORT, BUT IS UNLIKELY TO INVESTIGATE FURTHER ON ITS OWN BECAUSE THE COMMISSION HAS DONE SUCH AN EXHAUSTIVE JOB. AS YET, NO MILITARY PERSONNEL HAVE ANSWERED THE COMMISSION'S QUESTIONNAIRE. A CIVIL APPELLATE COURT HAS GIVEN THE SUPREME COUNCIL OF THE ARMED FORCES AN ADDITIONAL 30 DAYS TO REPORT ON PROGRESS IN ITS CONSIDERATION OF HUMAN-RIGHTS CASES AND 90 MORE DAYS IN WHICH TO PASS JUDGMENT ON THE NINE MEMBERS OF THE 1976-1982 JUNTAS. IF THIS DEADLINE IS NOT MET AND THE APPELLATE COURT DECIDES TO ASSUME JURISDICTION OVER CASES STILL BEFORE THE SUPREME COUNCIL, THE ARMED FORCES WILL BECOME EVEN MORE NERVOUS ABOUT POSSIBLE TRIALS OF MILITARY PERSONNEL THAN THEY ARE TODAY. END SUMMARY.

1. (U) NATIONAL COMMISSION ON THE DISAPPEARANCE OF PERSONS EXPECTS TO REPORT TO THE PRESIDENT AUGUST 30.

CHAIRMAN ERNESTO SABATO AND THREE OTHER MEMBERS OF THE COMMISSION (CONGRESSMAN SANTIAGO LOPEZ, BISHOP CARLOS GATTINONI, AND TV AND RADIO JOURNALIST MAGDALENA RUIZ GUINAZU) MET WITH VISITING DESK OFFICER DENNIS JETT, POLITICAL COUNSELOR RICHARD HOWARD, AND HUMAN RIGHTS OFFICER TONY ALLITTO JULY 25. SABATO BEGAN BY EXPLAINING THAT THE COMMISSION WOULD BE READY TO REPORT TO PRESIDENT RAUL ALFONSIN ON AUGUST 30. HIS REPORT WILL CONSIST OF 40,000 PAGES AND EXPLAIN

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HAT HAPPENED DURING THE SO-CALLED "DIRTY WAR." IT IS BASED ON TESTIMONY FROM FORMER DETAINEES; RELATIVES OF MISSING PERSONS (THE 9,300 "DISAPPEARED," WHICH IS THE COMMISSION'S LATEST FIGURE) AND "TORTURERS" (SOME OF WHOM VOLUNTARILY WENT TO THE COMMISSION TO CONFESS AND TESTIFY AGAINST FELLOW CRIMINALS). ACCORDING TO SABATO, THE REPORT WILL ALSO CONTAIN A CONCLUSION AND RECOMMENDATIONS TO PREVENT A RECURRENCE OF THE REPRESSION. IF PRESIDENT ALFONSIN AGREES, SABATO ADDED THAT A BOOK OF ABOUT 300 PAGES SUMMARIZING THE 40,000-PAGE REPORT WOULD ALSO BE PUBLISHED SO THE PUBLIC WOULD BE

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INFORMED. HE SAID THE COMMISSION'S RECOMMENDATIONS WOULD BE INCLUDED IN THIS BOOK WHICH WILL CONSIST OF AN INTRODUCTION EXPLAINING THE BACKGROUND OF TERRORISM AND STATE COUNTER REPRESSION AND CHAPTERS ON SPECIFIC SUBJECTS, SUCH AS THE 280 CLANDESTINE DETENTION CENTERS, TORTURE, ETC.

3. [REDACTED] WHAT HAPPENS NEXT?

ACCORDING TO SABATO, THE COMMISSION HAS COMPILED ENOUGH INFORMATION FOR THE COURTS TO TRY, AND HE HOPES TO CONVICT, "ABOUT 100" PEOPLE, BEGINNING WITH THE LEADERS OF THE MILITARY JUNTAS THAT RULED ARGENTINA FROM 1976 TO 1983. ALTHOUGH THE COMMISSION HAS NO JUDICIAL CHARACTER OR MANDATE, COPIES OF THE TESTIMONY IT HAS COLLECTED HAVE BEEN TURNED OVER TO THE APPROPRIATE COURTS TO HELP IN COMPILING EVIDENCE. SABATO RECOGNIZES THAT TESTIMONY IS ONE THING AND PROOF IN COURT IS ANOTHER, BUT HE BELIEVES THE COMMISSION HAS GOOD INFORMATION, ESPECIALLY ON THE OPERATIONS OF THE NAVY MECHANICS SCHOOL, THE THIRD ARMY CORPS, RETIRED ARMY GENERAL RAMON CAMP S (FORMER

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POLICE CHIEF OF BUENOS AIRES PROVINCE), AND CLANDESTINE DETENTION CENTERS THAT EXISTED IN CORDOBA AND TUCUMAN PROVINCES. SABATO SAID SOME TRIALS HAVE ALREADY BEGUN BASED ON COMMISSION TESTIMONY WHICH HAS BEEN TURNED OVER TO THE COURTS. HE ADDED THAT MORE POTENTIAL EVIDENCE WILL BE TURNED OVER WHEN THE JUDICIAL BRANCH RECEIVES ITS COPY OF THE COMMISSION'S REPORT.

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1. [REDACTED] WHAT WILL BE CONGRESS' FUTURE ROLE?

SABATO SAID CONGRESS WOULD ALSO RECEIVE A COPY OF THE REPORT. CONGRESSMAN SANTIAGO LOPEZ (MEMBER OF THE BUDGET, INDUSTRY, TRANSPORTATION, AND NATURAL RESOURCES COMMITTEES), WHEN ASKED BY EMBOFF WHAT HE THOUGHT CONGRESS WOULD DO WITH THE REPORT IN LIGHT OF CALLS BY SOME CONGRESSMEN AND HUMAN-RIGHTS LEADERS EARLIER THIS YEAR FOR A BICAMERAL LEGISLATIVE COMMISSION TO INVESTIGATE HUMAN-RIGHTS ABUSES, SAID HE BELIEVED CONGRESS WOULD STUDY THE REPORT, AND ITS RECOMMENDATIONS, PERHAPS VIA A BICAMERAL COMMISSION, BUT WOULD NOT/NOT TRY TO CONDUCT INVESTIGATIONS ANY FURTHER. LOPEZ NOTED THAT HUMAN-RIGHTS LEADERS, INCLUDING CONGRESSMAN UGUSTO CONTE, AND OTHER CONGRESSMEN SUCH AS HIMSELF HAD FAVORED A GREATER ROLE OF THE CONGRESS BUT HAVE SINCE CHANGED THEIR MINDS BECAUSE THE COMMISSION HAS DONE A THOROUGH AND EXHAUSTIVE INVESTIGATION. LOPEZ ADDED THAT CONGRESS COULD NOT HAVE DONE AS GOOD A JOB. SABATO AGREED, COMMENTING THAT IF CONGRESS HAD TAKEN RESPONSIBILITY FOR THE INVESTIGATION, POLITICS COULD HAVE PLAYED A DISRUPTIVE ROLE THAT HAS BEEN ABSENT FROM THE COMMISSION'S CAREFUL HANDLING OF THE ISSUE. HE SAID DIVERSE POLITICAL VIEWS HAVE BEEN

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REPRESENTED ON THE 13-MEMBER COMMISSION.

5. [REDACTED] PROBLEMS WITH THE MILITARY.

IN RESPONSE TO A QUESTION, SABATO ADMITTED THAT NO MILITARY PERSONNEL HAVE ANSWERED THE QUESTIONNAIRE, WHICH THE COMMISSION SENT TO PERSONNEL SUSPECTED OF HUMAN-RIGHTS ABUSES. MANY MILITARY ALLEGE THAT

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MILITARY SECRETS WOULD BE COMPROMISED. SABATO SAID THAT ALFONSIN, AS MILITARY COMMANDER-IN-CHIEF, HAS ORDERED THE MILITARY TO ANSWER THE COMMISSION'S QUESTIONNAIRE (SEE REFERENCE A), BUT NONE HAVE RESPONDED. IN SABATO'S VIEW, THEY COULD BE IN CONTEMPT OF THE PRESIDENT'S ORDER AND LEGALLY LIABLE TO PUNISHMENT, FIRST IN MILITARY COURTS AND THEN IN CIVILIAN APPELLATE COURTS.

6. [REDACTED] WHAT IS THE SUPREME COUNCIL OF THE ARMED FORCES DOING ABOUT ALLEGED HUMAN-RIGHTS ABUSES?

ACCORDING TO SABATO, THE PRESIDENT DELIBERATELY GAVE THE MILITARY A CHANCE TO CLEAN HOUSE ON THEIR OWN WHEN ALFONSIN DECIDED THAT THE MILITARY SHOULD BE TRIED FIRST IN MILITARY COURTS (SEE REFERENCE B FOR FULL EXPLANATION). WHILE RELUCTANTLY RECOGNIZING THAT THE TRIAL PROCESS IS A SLOW AND COMPLICATED ONE, HE SAID THE COUNCIL HAS BEEN DRAGGING ITS FEET. HE CLAIMED THAT THE SUPREME COUNCIL DOES NOT WANT TO TRY ANY MILITARY FOR HUMAN-RIGHTS ABUSES. AS A RESULT, SABATO BELIEVES THAT THE CIVILIAN COURTS MAY EVENTUALLY HAVE TO TAKE OVER THESE CASES. SABATO EXPLAINED THAT IN DECEMBER ALFONSIN GAVE THE SUPREME COUNCIL 180 DAYS IN WHICH TO TRY THE NINE FORMER MEMBERS OF THE FIRST THREE JUNTAS THAT RULED FROM 1976 TO 1982. THIS 180-DAY PERIOD WAS UP IN JUNE. SABATO NOTED THAT IN JULY A CIVIL APPELLATE COURT (SEE REFERENCE B FOR AN EXPLANATION OF THE CASE) GAVE THE SUPREME COUNCIL 90 MORE DAYS TO EXPLAIN WHAT PROGRESS IT IS MAKING AND AN ADDITIONAL 90 DAYS IN WHICH TO PASS JUDGMENT ON THE NINE FORMER JUNTA MEMBERS. THUS, SABATO NOTED, THE FORMER JUNTA MEMBERS' FATE SHOULD BE DECIDED IN

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OCTOBER. IF NOT, THE CIVILIAN COURTS (PROBABLY THE  
SUPREME COURT) WILL HAVE TO DECIDE WHETHER TO GRANT  
ANOTHER EXTENSION OR MOVE TO TAKE OVER THE CASES.

7. [REDACTED] COMMENT: SABATO, AS DO MANY HUMAN-RIGHTS  
LEADERS, CLEARLY WANTS TO SEE THE CIVIL COURTS TAKE  
THOSE CASES OUT OF THE HANDS OF THE MILITARY SUPREME  
COUNCIL. THE MILITARY, OF COURSE, FEAR THAT A  
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SHIFT TO CIVILIAN COURTS WILL WIDEN THE SCOPE OF

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INQUIRY. ALTHOUGH PUBLIC INTEREST IN HUMAN RIGHTS HAS DECREASED THIS YEAR AND MANY POLITICIANS WOULD LIKE TO PUT THIS PAINFUL ISSUE BEHIND THEM, THE RELEASE OF THE COMMISSION'S REPORT WILL PUT HUMAN RIGHTS AND PAST ABUSES RIGHT BACK ON THE FRONT PAGES OF ALL NEWSPAPERS, AND PROBABLY GENERATE RENEWED PRESSURE FROM THE MEDIA AND HUMAN-RIGHTS GROUPS FOR JUDICIAL ACTION. IF THE MILITARY COURTS DO NOT TAKE ACTION AND THE CIVIL COURTS TAKE JURISDICTION OVER THE FORMER JUNTA MEMBERS' CASES AWAY FROM THE SUPREME COUNCIL, THE MILITARY WILL BECOME EVEN MORE NERVOUS ABOUT THIS ISSUE THAN THEY ARE TODAY. ORTIZ

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